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December 15, 2022

VIA ECF

Hon. Vernon S. Broderick
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: Fair Housing Justice Center, Inc. et al., v. Zucker et al., 18-CV-3196

Dear Judge Broderick:

We represent Plaintiffs Fair Housing Justice Center, John Doe, and John Doe as the Administrator of the Estate of Jane Doe (“Plaintiffs”) in the above-referenced matter. We write in accordance with Rule 5 of this Court’s Individual Rules & Practices in Civil Cases to seek permission to file certain medical records relating to Jane Doe under seal.

Under Rule 5, “sensitive information” and “information requiring caution” may be redacted from public court filings without prior Court approval. The “Privacy Policy” referenced in Rule 5 defines “sensitive information” as including social security numbers, names of minor children, dates of birth, financial account numbers, and home addresses. “Information requiring caution” is defined as including personally identifying numbers, medical records, employment history, individual financial information, proprietary or trade secret information, and information regarding cooperation with the government.

Certain exhibits in support of the motion for partial summary judgment that Plaintiffs will be filing tomorrow contain Ms. Doe’s medical records that qualify as “sensitive information” and “information requiring caution” under Privacy Policy. Because the records of Ms. Doe’s medical condition and treatment are relevant to the issues of disability discrimination in this case, Plaintiffs request permission to file those records under seal. Those records consist of the following exhibits, which are being filed concurrently with this letter motion:

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Exhibit No.	Description
5	Excerpts from the VillageCare Resident File for Jane Doe, Bates stamped VC0052701-02; VC0052765-66; VC0052767-80; VC0052799; VC0052800; VC0052804-05; VC0052840; VC0052913; VC0052972-74; VC0052977
10	Compilation of physical therapy progress notes for Jane Doe from Riverside Premier Nursing and Rehabilitation Center (“Riverside Nursing Home”), Bates numbered Riverside 00000485; Riverside 00000530; Riverside 00000602-04; Riverside 00000645; Riverside 00000715; Riverside 00002305-08; Riverside 00002323-25; Riverside 00002380-82; Riverside 00002388-91
11	Compilation of progress notes for Jane Doe from Riverside Nursing Home, Bates stamped Riverside 000000429; 000000432-35; Riverside 00000625-27; Riverside 00000631-32; Riverside 00000633; Riverside 00000645
14	Case notes regarding VillageCare’s visual assessment of Ms. Doe on June 8, 2017, Bates stamped VC0052972-73
15	Discharge summary for Jane Doe from Riverside Nursing Home dated October 24, 2018, Bates stamped Riverside 00000625-27
53	Report to Social Security of Admission by Riverside Nursing Home, Bates stamped Riverside 00000087- 88
54	Riverside Nursing Home’s physician progress report dated July 4, 2017, Bates stamped Riverside 00000623-24
55	Jane Doe’s application to return to VillageCare, Bates stamped P-0002837-P0002863
56	ALP Medical Evaluation of November 29, 2017, Bates stamped VC0052701- VC0052702
60	Compilation of Riverside social service progress notes, Bates stamped Riverside 00000361-63; Riverside 00000403-04; Riverside 00000429; Riverside 00000441-42; Riverside 00000459-60; 000000588-90; Riverside 00000642-43; Riverside 00000649-50; Riverside 00000665-66; 00000671-72; Riverside 00000675-77; 00000679-80; 00000716-17

We have met and conferred with defendants’ counsel, who have consented to the filing under seal that Plaintiffs are requesting.

Respectfully submitted,



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David G. Keyko

Enclosures

cc: All counsel of record via ECF

Granted.

SO ORDERED:

7/19/2023


HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE